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June 12, 2015

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street
Washington, DC 20554

RE: NOTICE OF EX PARTE PRESENTATION

ET Docket No. 14-165, Amendment of Part 15 of the
Commission's Rules for Unlicensed Operations in the
Television Bands;
ET Docket No. 14-166, Spectrum Access for Wireless
Microphones;
GN Docket No. 12-268, Television Incentive Auctions

Dear Ms. Dortch:

On June 10, 2015, Shakespeare Theatre Company ("the Company") hosted a meeting with Commissioner Michael O'Rielly and his Legal Advisor, Erin McGrath, at its Sidney Harman Hall in Washington, DC.

During a staged scene from Moliere's "Tartuffe," the Company demonstrated the disruptive effect of the co-channel interference its performances would experience from another user of TV Band spectrum operating in the vicinity. This would be a common problem if the Commission's proposal to eliminate White Space Database protection for unlicensed devices were to be adopted.

The Company operates in the 774-seat Harman Hall and the 451-seat Lansburgh Theatre, providing approximately 455 performances annually to about 170,000 audience members. Yet, because it does not meet the Commission's threshold of routinely using 50 or more wireless microphones and intercoms, it does not qualify for a Part 74 license. For classical performances like "Tartuffe," the current production at Harman Hall, the Company usually operates without amplified sound, but relies on 6 to 8 wireless intercom devices operating in the TV Band for show operations that are vital to ensuring the safety of cast and crew. For musicals, wireless microphones are necessary so the singers can be clearly heard above the

orchestra. The Company's previous production, "Man of La Mancha," used 20 wireless microphones in addition to 8 intercom devices.

Currently, the Company is able to use clear spectrum for microphones and intercoms without major difficulties. However, after the incentive auction, when there will be fewer TV channels and less White Space to share with new unlicensed TV Band devices, if there are no channels dedicated to wireless microphones, and no database to protect live performances, there will almost certainly be interference that would make audience experiences frustrating and unpleasant and contribute to dangerous situations from moving scenery, special effects, and other stagecraft.

The Commission can prevent serious damage to the performing arts by continuing the regulatory regimen it has already put in place for sharing the TV Band White Space. Database access for unlicensed wireless microphones is essential. Without it, there is no way for theatres and others to coordinate spectrum use in the areas and at the times when audiences will be enjoying performances made possible by wireless microphones. Assured clear spectrum for wireless microphones will permit users to make more efficient use of limited channels. Without the two channels that have been reserved for wireless microphones in each market, every rule that provides the potential for interference-free use of any TV Band frequencies becomes more important. This should include an evaluation of co-channel and adjacent-channel separation based on signal strength rather than purely on distance.

The Commission has identified several possible new spectrum homes for wireless microphones. However, each of these comes with drawbacks from current technology, incumbent usage, and sharing issues. While these problems are being addressed, the Commission should permit existing use of the TV Band – with database coordination – as long as possible. Many non-profit theatres and other performing arts organizations have already exhausted their capital equipment budgets in their move from the 700 MHz band. The Commission should not force two additional moves – first to lower channels in the TV Band and then to a new home when it is ready – and should provide substantial notice to permit planning and budgeting.

Participants in the meeting were, for Shakespeare Theatre Company: Tom Haygood, Director of Production, Brian Burchett, AV Supervisor, Ryan Gravett, Live Mix Engineer, and Roc Lee, Assistant AV Supervisor. Also participating were Laurie Baskin, Director of Research, Policy & Collective Action for Theatre Communications Group; Cristine Davis, General Manager of the Performing Arts Alliance; Tom Ferrugia, Director of Government Relations for The Broadway League; Brandon Gryde, Director of Government Affairs for Dance/USA and OPERA America; Todd Dupler, Director of Government Relations for The

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Recording Academy; Todd Flourney of the Flourney Group on behalf of SAG-AFTRA; Brooks Schroeder, Project Manager for Frequency Coordination Group; Joe Ciaudelli, Director of Spectrum Affairs for Sennheiser Electronic Corporation; Mark Brunner, Senior Director, Global Brand Management for Shure Incorporated; and the undersigned, *pro bono* counsel for the Alliance of Resident Theatres / New York.

The participants are available to answer any additional questions on these issues and provide further information on request.

Sincerely,

A handwritten signature in black ink, appearing to read "D. H. Pawlik", with a long horizontal flourish extending to the right.

David H. Pawlik
Pro bono counsel for
Alliance of Resident Theatres / New York

cc: Commissioner O'Rielly
Erin McGrath